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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,387	09/23/2008	Alexandre Naressi	33836.00.0100	3439

30498 7590 07/07/2010
Vedder Price PC
222 NORTH LASALLE STREET
CHICAGO, IL 60601

EXAMINER

LANE, GREGORY A

ART UNIT	PAPER NUMBER
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2438

MAIL DATE	DELIVERY MODE
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07/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,387	Applicant(s) NARESSI ET AL.	
	Examiner GREGORY LANE	Art Unit 2438	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/13/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1, 8, and 10 amended

Claims 1-14 pending

Response to Arguments

1.) Applicant's amendment to claims 1 and 10 filed on 4/13/2010 necessitated the new ground(s) of rejection presented in this Office action. Therefore, Applicant's arguments with respect to claims 1 and 10 have been considered but are moot in view of the new ground(s) of rejection.

2.) Applicant's argument(s) filed on 4/13/2010 with respect to rejection(s) of claims 2 and 8 has been fully considered, but is not persuasive.

In the remarks, Applicant argues:

Applicants submit that claim 2, being dependent upon an allowable base claim, is also allowable over Adams in view of Goff in further view of Fraier to the extent that it incorporates the limitations of the independent claim and because it recites additional patentable subject matter

Examiner respectfully disagrees with the Applicant. The rejection of independent claim 1 is maintained due to a new ground(s) of rejection. Therefore, the rejection of dependent claims 2 and 8 are similarly maintained.

3.) Applicant's argument(s) filed on 4/13/2010 with respect to rejection(s) of claims 3-5, 7, and 11-14 has been fully considered, but is not persuasive.

In the remarks, Applicant argues:

Applicants submit that claims 3-5, 7, and 11-14, being dependent upon allowable base claims, are also allowable over Adams in view of Fraier to the extent that they incorporate the limitations of the independent claims and because they recite additional patentable subject matter.

Examiner respectfully disagrees with the Applicant. The rejection of independent claims 1 and 10 is maintained due to a new ground(s) of rejection. Consequently, dependent claims 3-5, 7, and 11-14 are similarly rejected.

4.) Applicant's argument(s) filed on 4/13/2010 with respect to rejection(s) of claim 6 has been fully considered, but is not persuasive.

In the remarks, Applicant argues:

Applicants submit that claim 6, being dependent upon an allowable base claim, is also allowable over Adams in view of Goffto the extent that it incorporates the limitations of the independent claim and because it recites additional patentable subject matter.

Examiner respectfully disagrees with the Applicant. The rejection of independent claim 1 is maintained due to a new ground(s) of rejection. Therefore, the rejection of dependent claim 6 is similarly maintained.

5.) Applicant's argument(s) filed on 4/13/2010 with respect to rejection(s) of claim 9 has been fully considered, but is not persuasive.

In the remarks, Applicant argues:

Applicants submit that claim 9, being dependent upon an allowable base claim, is also allowable over Adams in view of Goff in further view of Fraier and in further view of Teplitzky to the extent that it incorporates the limitations of the independent claim and because it recites additional patentable subject matter.

Examiner respectfully disagrees with the Applicant. The rejection of independent claim 1 is maintained due to a new ground(s) of rejection. Therefore, the rejection of dependent claim 9 is similarly maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1.) Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20040008209, Adams in view of US 20040002904, Deas.

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In regards to claim 1, Adams taught an audio and/or video media content providing device(**see Adams, Abstract, lines 1-3, where a multimedia photograph album contains audio data**) comprising:
at least one controller operatively responsive to RFID tag based information obtained from a remote RFID enabled media object and operative to facilitate access to media content associated with a stored periodically changing media content list(**see Adams, para. 0138, lines 8-22, where the RFID tag can be used for transmitting data to and from a data storage device**)

Adams did not teach a media content that is obtained from a remote content source via one or more networks. However, Deas taught media content that is obtained from a remote content source via one or more networks(**see Deas, para. 0041, lines 1-13, where multimedia content along with associated digital rights management information may be distributed across a network**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Adams with the teaching of Deas because a user would have been motivated by a method of distributing digital content information wirelessly via portable devices(**see Deas, para. 0002**)

In regards to claim 10, Adams taught a method for providing digital audio and/or video media content comprising:
receiving RFID tag based information obtained from a remote RFID enabled media object(**see Adams, para. 0138, lines 8-22, where the RFID tag can be used for**

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transmitting data to and from a data storage device); and facilitating access to media content associated with a stored periodically changing media content list that is obtained from a remote content source(**see Adams, para. 0138, lines 17-22, where data is wirelessly downloaded using the RFID tag device**)

Adams did not teach obtaining content via one or more networks. However, Deas taught obtaining content via one or more networks(**see Deas, para. 0041, lines 1-13, where multimedia content along with associated digital rights management information may be distributed across a network**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Adams with the teaching of Deas because a user would have been motivated by a method of distributing digital content information wirelessly via portable devices(**see Deas, para. 0002**)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2.) Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20040008209, Adams in view of US 20040002904, Deas and further in view of US 20030206107, Goff, and in further view of US 20030001016, Fraier

In regards to claim 2, the combination of Adams and Deas taught the audio and/or video media content providing device of claim 1. The combination of Adams and Deas did not teach including memory containing the stored periodically changing media content list and wherein the RFID tag based information includes content identification information stored on an RFID tag located on the remote RFID enabled object. However, Goff taught including memory containing the stored periodically changing media content list and wherein the RFID tag based information includes content identification information stored on an RFID tag located on the remote RFID enabled object **(see Goff, para. 0040, where the identification number is used to identify the item [e.g. audio tape, video tape])** .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of the combination of Adams and Deas with the teaching of Goff because a user would have been motivated to use RFID technology in libraries to more efficiently deter unauthorized usage removal of objects **(see Goff, para. 0003)**

The combination of Adams, Deas and Goff did not teach wherein the stored periodically changing media content list comprises a mapping table that maps static content identification information with varying media identification information. However, Fraier taught wherein the stored periodically changing media content list comprises a

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mapping table that maps static content identification information with varying media identification information. **(see US 20030001016, Fraier, para. 0016, where the identification code maps the multimedia database content)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of the combination of Adams, Deas and Goff with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content**(see Fraier, para. 0003)**

In regards to claim 8, The combination of Adams and Deas taught a digital audio and/or video playing system comprising:
an RFID enabled media object having an RFID tag coupled thereto**(see Adams, para. 0138, lines 8-22, where the RFID tag can be used for transmitting data to and from a data storage device)** and content that is obtained from a remote content source via one or more networks. The combination of Adams and Deas did not teach a trusted digital audio and/or video media playing device having a radio frequency identification tag reader operatively coupled therewith to read RFID tag information from the RFID tag. However, Goff taught a trusted digital audio and/or video media playing device having a radio frequency identification tag reader operatively coupled therewith to read RFID tag information from the RFID tag **(see Goff, para. 0040, where the identification number is used to identify the item [e.g. audio tape, video tape]);**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of the combination of Adams and Deas with

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the teaching of Goff because a user would have been motivated to use RFID technology in libraries to more efficiently deter unauthorized usage removal of objects(see Goff, para. 0003)

The combination of Adams, Deas and Goff did not teach a controller operatively responsive to read RFID tag based information obtained by the digital audio and/or video media playing device and operative to facilitate access to media content associated with a periodically changing media content list, and wherein the digital audio and/or video media playing device is operative to play audio and/or video retrieved based on the periodically changing media content list. However, Fraier taught a controller operatively responsive to read RFID tag based information obtained by the digital audio and/or video media playing device and operative to facilitate access to media content associated with a periodically changing media content list, and wherein the digital audio and/or video media playing device is operative to play audio and/or video retrieved based on the periodically changing media content list (see Fraier, **Abstract and para. 0075, where the token sends identification information to a code reader and wherein a play unit, in support of the code reader device, is configurable to play the contents associated with the identification number and wherein an RFID tag is attached to the token).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of the combination of Adams, Deas and Goff with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content(see Fraier, para. 0003)

3.) Claims 3-5, 7, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20040008209, Adams in view of US 20040002904, Deas and further in view of US 20030001016, Fraier

In regards to claim 3, the combination of Adams and Deas taught the audio and/or video media content providing device of claim 1. The combination of Adams and Deas did not teach wherein the controller selects the periodically changing media content list based on a determined geographic location of a media playing unit. However, Fraier taught wherein the controller selects the periodically changing media content list based on a determined geographic location of a media playing unit (**see Fraier, para. 0102, lines 9-18, where the multimedia content access is limited to individuals from a specific geographic location**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of the combination of Adams and Deas with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content(**see Fraier, para. 0003**)

In regards to claim 4, the combination of Adams and Deas taught the audio and/or video media content providing device of claim 1. The combination of Adams and Deas did not teach wherein the stored periodically changing media content list includes

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data representing at least one of: a predetermined number of variable downloadable movies, a predetermined number of variable downloadable songs and a predetermined number of variable downloadable music albums. However, Fraier taught wherein the stored periodically changing media content list includes data representing at least one of: a predetermined number of variable downloadable movies, a predetermined number of variable downloadable songs and a predetermined number of variable downloadable music albums **(see Fraier, para. 0018, where the identification code, associated with a token, identifies a fixed quantity of specific multimedia content[e.g. audio/visual data]).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of the combination of Adams and Deas with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content**(see Fraier, para. 0003)**

In regards to claim 5, the combination of Adams and Deas taught the audio and/or video media content providing device of claim 1 wherein the controller includes a user interface operative to allow periodic changing of the media content list. The combination of Adams and Deas did not teach the audio and/or video media content providing device of claim 1 wherein the controller includes a user interface operative to allow periodic changing of the media content list. However, Fraier taught the audio and/or video media content providing device of claim 1 wherein the controller includes a user interface operative to allow periodic changing of the media content list **(see Fraier,**

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para. 0037, where a content provider may consist of set top box for a TV wherein TV content may be modified).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of the combination of Adams and Deas with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content(**see Fraier, para. 0003**)

In regards to claim 7, the combination of Adams and Deas taught the audio and/or video media content providing device of claim 1. The combination of Adams and Deas did not teach wherein the controller is operative to send media identification information represented in the stored periodically changing media content list, for a trusted digital audio and/or video media playing device having a radio frequency identification tag reader operatively coupled therewith to read RFID tag information from the RFID tag and that is operative to play media obtained based on the sent media identification information. However, Fraier taught wherein the controller is operative to send media identification information represented in the stored periodically changing media content list, for a trusted digital audio and/or video media playing device having a radio frequency identification tag reader operatively coupled therewith to read RFID tag information from the RFID tag and that is operative to play media obtained based on the sent media identification information. (**see Fraier, Abstract and para. 0075, where the token sends identification information to a code reader and wherein a play unit, in**

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support of the code reader device, is configurable to play the contents associated with the identification number and wherein an RFID tag is attached to the token)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of the combination of Adams and Deas with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content(**see Fraier, para. 0003**)

In regards to claim 11, the combination of Adams and Deas taught the method of claim 10. The combination of Adams and Deas did not teach including selecting the periodically changing media content list based on a determined geographic location of a media playing unit. However, Fraier taught including selecting the periodically changing media content list based on a determined geographic location of a media playing unit (**see Fraier, para. 0102, lines 9-18, where the multimedia content access is limited to individuals from a specific geographic location**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of the combination of Adams and Deas with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content(**see Fraier, para. 0003**)

In regards to claim 12, the combination of Adams, Deas and Fraier taught the method of claim 11 wherein the stored periodically changing media content list includes data representing at least one of: a predetermined number of variable downloadable

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movies, a predetermined number of variable downloadable songs and a predetermined number of variable downloadable music albums(**see Fraier, para. 0018, where the identification code, associated with a token, identifies a fixed quantity of specific multimedia content[e.g. audio/visual data]**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of the combination of Adams and Deas with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content(**see Fraier, para. 0003**)

In regards to claim 13, the combination of Adams, Deas and Fraier taught the method of claim 11 comprising periodically changing the media content list in response to user input from a user interface(**see Fraier, para. 0037, where a content provider may consist of set top box for a TV wherein TV content may be modified**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of the combination of Adams and Deas with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content(**see Fraier, para. 0003**)

In regards to claim 14, the combination of Adams, Deas and Fraier taught the method of claim 11 comprising sending media identification information represented in the stored periodically changing media content list, for a trusted digital audio and/or video media playing device having a radio frequency identification tag reader

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operatively coupled therewith to read RFID tag information from the RFID tag and that is operative to play media obtained based on the sent media identification information(**see Fraier, Abstract and para. 0075, where the token sends identification information to a code reader and wherein a play unit, in support of the code reader device, is configurable to play the contents associated with the identification number and wherein an RFID tag is attached to the token).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of the combination of Adams and Deas with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content(**see Fraier, para. 0003)**

4.) Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 20040008209, Adams in view of US 20040002904, Deas and further in view of US 20030206107, Goff

In regards to claim 6, the combination of Adams and Deas taught the audio and/or video media content providing device of claim 1. The combination of Adams and Deas did not teach wherein the remote RFID enabled media object includes at least one of: an RFID enabled ticket, an RFID enabled card and an RFID enabled 3-D object. However, Goff taught wherein the remote RFID enabled media object includes at least one of: an RFID enabled ticket, an RFID enabled card and an RFID enabled 3-D object (**see Goff, para. 0009, where the RFID tag is used with library material[i.e. 3-D**

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object]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of the combination of Adams and Deas with the teaching of Goff because a user would have been motivated to use RFID technology in libraries to more efficiently deter unauthorized usage removal of objects(**see Goff, para. 0003**)

5.) Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 20040008209, Adams in view of US 20040002904, Deas and further in view of US 20030206107, Goff, and in further view of US 20030001016, Fraier, and further in view of US 20050162277, Teplitxky

In regards to claim 9, the combination of Adams, Deas, Goff, and Fraier taught the system of claim 8. The combination of Adams, Deas, Goff, and Fraier did not teach further comprising a media content server that provides encrypted media content identified by the periodically changing media content list for the trusted digital audio and/or video media playing device and wherein the controller provides digital rights management services. However, Teplitxky taught further comprising a media content server that provides encrypted media content identified by the periodically changing media content list for the trusted digital audio and/or video media playing device and wherein the controller provides digital rights management services(**see US 20050162277, Teplitxky, para. 0028, where the RFID data is secured by encrypting**

the data[e.g. audio/video media]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of the combination of Adams, Deas, Goff, and Fraier with the teaching of Teplitxky because a user would have been motivated by the desire to provide protection against product counterfeiting.**(see Teplitxky, para. 0002)**

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY LANE whose telephone number is (571)270-7469. The examiner can normally be reached on 571 270 7469 from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani, can be reached on 571 272 3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/ GREGORY LANE / Examiner, Art Unit 2438

/Taghi T. Arani/

Supervisory Patent Examiner, Art Unit 2438